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**FILED**

**JUL 10 2003**

RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

VMWARE, INC,  
 Plaintiff,

v.

CONNECTIX CORPORATION and  
 MICROSOFT CORPORATION

Defendants.

CASE NOS.: C02 03705 CW and  
 C03 00654 CW

**ORDER GRANTING  
 STIPULATION TO (1)  
 CONSOLIDATE CASE NOS. C02  
 03705 CW AND C03 00654 CW; (2)  
 PERMIT MICROSOFT TO ADD  
 ADDITIONAL CLAIMS OF  
 PATENT INFRINGEMENT; AND (3)  
 PERMIT VMWARE TO ADD  
 ADDITIONAL ASSERTED CLAIMS  
 FOR '242 PATENT; AND (4)  
 VACATE SCHEDULE FOR CASE  
 NO. C02 03705 CW**

WHEREAS, VMware, Inc. ("VMware"), Microsoft Corp. ("Microsoft"), and Connectix Corp. ("Connectix") (collectively "the parties") have met and conferred and agreed that for

1 purposes of judicial economy Case Nos. C02 03705 CW and C03 00654 CW ought to be  
2 consolidated and a single schedule entered for both cases;

3 WHEREAS, VMware wishes to amend its Patent L.R. 3-1 Disclosure to add additional  
4 asserted claims for U.S. Patent No. 6,397,242 ("the '242 patent");

5 WHEREAS, Microsoft wishes to amend its Answer and Counterclaim for Case No. C03  
6 00654 CW to add patent infringement counterclaims for Microsoft patents;

7 WHEREAS, the parties have a Case Management Conference in Case No. C02 03705  
8 CW and C03 00654 scheduled before Judge Claudia Wilken on July 18, 2003 and have been  
9 ordered to submit a Joint Case Management Statement on or before July 11, 2003;

10 NOW, THEREFORE, plaintiff VMware and defendants Connectix Corporation and  
11 Microsoft Corporation, by and through their respective counsel, hereby stipulate and agree as  
12 follows:

13 (1) Case Nos. C02 03705 CW and C03 00654 CW shall be consolidated;

14 (2) Microsoft shall have the right to amend Defendants' First Amended Answer and  
15 Counterclaims for Case No. C03 00654 CW to add patent infringement claims for no more than  
16 three (3) Microsoft patents by no later than June 20, 2003;

17 (3) VMware shall have the right to file a reply to Defendants' answer and  
18 counterclaims by no later than July 11, 2003;

19 (4) VMware shall have the right to amend its Patent L.R. 3-1 Disclosure to add  
20 additional asserted claims for the '242 patent pursuant to the consolidated schedule;

21 (5) In Case No. C02 03705 CW, the current claim construction schedule (under the  
22 Patent Local Rules) for the '242 patent and for Microsoft's U.S. Patent No. 5,768,593 ("the '593  
23 patent") shall be vacated;

24 (6) The parties' Joint Case Management Statement shall include a proposed,  
25 consolidated schedule for Case Nos. C02 03705 CW and C03 00654.

1 Dated: June 13, 2003

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

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3  
4 By: /s/ James C. Yoon  
James C. Yoon

5 Attorneys for Plaintiff  
6 VMWARE, INC.

7 Dated: June 13, 2003

ORRICK, HERRINGTON & SUTCLIFFE LLP

8  
9 By: /s/ Vickie L. Feeman  
Vickie L. Feeman

10 Attorneys for Defendants  
11 CONNECTIX CORPORATION and  
12 MICROSOFT CORPORATION  
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15 IT IS SO ORDERED. ALL FURTHER DOCUMENTS SHALL BE FILED IN C-02-3705  
16 CW. A Case Management Conference will be held on July 18, 2003, at 1:30 p.m.  
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18 Dated: JUL 10 2003

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20 UNITED STATES DISTRICT COURT JUDGE  
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